



**MINUTES
FREMONT PLANNING COMMISSION
REGULAR MEETING OF OCTOBER 28, 2004**

CALL TO ORDER: Chairperson Weaver called the meeting to order at 7:00 p.m.

PRESENT: Chairperson Weaver, Vice Chairperson Wieckowski, Commissioners Harrison, King, Lydon, Sharma, Natarajan

ABSENT: None

STAFF PRESENT: Jeff Schwob, Planning Director
Larissa Seto, Senior Deputy City Attorney II
Kathleen Chu, Senior Civil Engineer
Kathleen Livermore, Senior Planner
Barbara Meerjans, Associate Planner
Alice Malotte, Recording Clerk
Chavez Company, Remote Stenocaptioning
Walter Garcia, Video Technician

APPROVAL OF MINUTES: Regular Minutes of October 14, 2004, were approved as submitted.

CONSENT CALENDAR

THE CONSENT LIST CONSISTED OF ITEM NUMBERS 1, 5, AND 7.

IT WAS MOVED (WIECKOWSKI/HARRISON) AND UNANIMOUSLY CARRIED BY ALL PRESENT THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTIONS ON ITEM NUMBERS 1, 5, AND 7.

Item 1. KAISER BIO-MEDICAL DOCK PAD – 39400 Paseo Padre Parkway (PLN2004-00198) - to consider a Finding for Site Plan and Architectural Approval through a Planned District Minor Amendment for a 476-square foot modular reception building, a covered walkway and a mobile trailer for diagnostic bio-medical procedures at an existing medical facility (Kaiser Permanente) located in the Central Planning Area. This project is categorically exempt from review under CEQA pursuant to Section 15301 (e) (Existing Facilities). (Continued from August 26, 2004)

MODIFICATION TO STAFF REPORT

The number of stalls listed in the report as required for the Kaiser Campus is incorrect. It was based on old information. The total parking spaces required is 943. The total existing parking is 1,129 stalls, still above what is required. As mentioned in the report, the current proposal requires an elimination of 16 parking stalls with the reconstruction of 4 van accessible handicapped parking stalls. This minor change will still not place Kaiser at a parking deficit since the campus currently exceeds the parking requirement.

HOLD PUBLIC HEARING;

AND

FIND PLN2004-00198, AS PER EXHIBIT "A" (SITE PLAN & ELEVATIONS), IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE CHAPTER AS ENUMERATED WITHIN THE STAFF REPORT. THE PROJECT CONFORMS TO THE GOALS AND OBJECTIVES OF THE CENTRAL BUSINESS DISTRICT AND PLANNED DISTRICT P-80-12;

AND

FIND PLN2004-00198 IS CATEGORICALLY EXEMPT FROM FURTHER ENVIRONMENTAL REVIEW PURSUANT TO CEQA GUIDELINES, SECTION 15301 RELATED TO ALTERATIONS TO EXISTING FACILITIES;

AND

APPROVE PLN2004-00198, AS SHOWN ON EXHIBIT "A" AND SUBJECT TO FINDINGS AND CONDITIONS ON EXHIBIT "B".

- Item 5. **ECHO KARAOKE PD MINOR AMENDMENT – 34771 Ardenwood Boulevard - (PLN2004-00246)** - to consider a Planned District Minor Amendment to allow the onsite sale and consumption of beer and wine in conjunction with, and to extend the hours of operation of, an existing karaoke facility. The proposed Amendment would also eliminate the online arcade gaming (similar to cyber café) use previously approved for the site. This project is categorically exempt under CEQA Section 15301, Class 1, Existing Facilities.

HOLD PUBLIC HEARING;

AND

FIND THAT THIS PROJECT IS EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO THE GUIDELINES OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, SECTION 15301, CLASS 1, EXISTING FACILITIES;

AND

FIND PLN2004-00246 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE CHAPTER AS ENUMERATED WITHIN THE STAFF REPORT;

AND

APPROVE PLN2004-00246, AS SHOWN ON EXHIBIT "A", SUBJECT FINDINGS AND CONDITIONS OF APPROVAL IN EXHIBIT "B".

- Item 7. **WASHINGTON BOULEVARD/PASEO PADRE PARKWAY GRADE SEPARATION PROJECT PROPERTY ACQUISITION AND BART PROPERTY EXCHANGE - Various locations (PLN2005-00097)** - to consider a Finding of Conformity with the General Plan for the acquisition of various properties and the disposition of various properties related to the Washington Boulevard/Paseo Padre Parkway Grade Separation project and the proposed Property Exchange Agreement for the City's Grade Separation Project and BART's Warm Springs Extension Project. A Statutory Exemption has been adopted for the Washington Boulevard/Paseo Padre Parkway Grade Separation project. An Environmental Impact Report (EIR) for the proposed BART Warm Springs Extension (WSX) Project was certified by the BART Board of Directors in 1992. A Supplemental Environmental Impact Report (SEIR) for the WSX Project was certified by the BART Board of Directors in June of 2003.

MODIFICATION TO STAFF REPORT

Project Description: (p. 3) The City of Fremont is requesting that the Planning Commission find that the proposed acquisitions of approximately 43.4 11.3 acres of properties (Property # 1 ~ 11, 13 ~ 16 & 28, Exhibit "B") through the Property Exchange Agreement and the acquisition of approximately 9.6 9.7 acres of properties (Property # 17 ~ 34, Exhibit "B") from

private property owners for the Grade Separation Project are in conformity with the General Plan. Additionally, the City of Fremont is requesting that the Planning Commission find that the proposed dispositions of approximately 4.0 4.7 acres of City owned properties to BART for the WSX Project through the Property Exchange Agreement are in conformity with the General Plan.

MODIFICATION TO LOCATIONAL MAPS

Property # 12 – Delete.

Refer to revised Locational Maps.

MODIFICATION TO EXHIBIT “B”

Property # 1 – Easement (sf) should read 77,850 instead of ~~52,272~~.

Property # 12 – Delete.

Refer to revised Exhibit “B”.

HOLD PUBLIC HEARING;

AND

FIND THAT THE PROPERTY ACQUISITIONS AND DISPOSITIONS WHICH ARE THE SUBJECT OF PLN2005-00097 ARE EXEMPT FROM FURTHER CEQA REVIEW, AS PROVIDED IN THIS STAFF REPORT;

AND

FIND THAT PLN2005-00097 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY’S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN’S FUNDAMENTAL GOALS AND TRANSPORTATION CHAPTERS, AS SET FORTH IN EXHIBIT “A”, HEREBY ADOPTED BY REFERENCE.

The motion carried by the following vote:

AYES:	7 – Harrison, King, Lydon, Natarajan, Sharma, Weaver, Wieckowski
NOES:	0
ABSTAIN:	0
ABSENT:	0
RECUSE:	0

PUBLIC COMMUNICATIONS

ORAL COMMUNICATIONS

PUBLIC HEARING ITEMS

Chairperson Weaver announced that Items 2 and 3 would be heard together, but voted on separately.

Commissioner Harrison disclosed that he had met with the representatives of the two projects and had viewed the site plan model at this office.

Commissioner Natarajan disclosed that she had a telephone conversation with Jeff Smith of Regis Homes.

Chairperson Weaver disclosed that she had a brief conversation with Carol Gallant of BRIDGE Housing.

Item 2. IRVINGTON VILLAGE – 40800 Grimmer Boulevard – (PLN2004-00308) – to consider a Planned District Major Amendment to reallocate density to 18 du/ac for a 6.56 acre site and to propose a Private Vehicle Access Way (PVAW) less than 32 feet in width, a Preliminary Grading Plan, Private Street, and Site Plan and Architectural Approval for 115 townhouses

and condominium units in the Irvington Planning Area. A Mitigated Negative Declaration has been previously prepared and adopted for the General Plan Amendment and Rezoning of the site, which includes the anticipated development of this site. (Continued from October 14, 2004)

ADDENDUM TO CONDITIONS

E-18 Private vehicle access ways shall provide a minimum edge of pavement radius of fifteen feet, except for "turn around" facilities.

E-19 All guest parking spaces shall be signed for use as visitors only and shall not be used as resident parking. The development shall include CC&R's and these CC&R's shall include a requirement that the parking area of garages shall be available for the parking of vehicles and shall be kept clear of the storing of material. The CC&R's shall include an enforcement mechanism to ensure compliance and all residents shall be made aware of this condition.

Tom Early, Project Manager for BRIDGE Housing and applicant for Irvington Family Apartments, introduced Jeff Smith of Regis Homes of Northern California and applicant for Irvington Village. He stated that both organizations had held nine separate community meetings and had conducted two separate bus tours of previous projects for community members and City staff. He thanked various local interested groups and staff for their input, which had helped both organizations to understand how their projects could help to better the community.

Jeff Smith, Regis Homes of Northern California, introduced project members and stated that Irvington Village would comprise 115, for sale, residential units on approximately 6.5 acres at the current Tri-City/Patio World site. These two projects would bring affordable family apartments by BRIDGE Housing and for sale condominiums and for sale townhomes by Regis Homes. He stated that he expected this project would be as successful as their City Park and Metro Center project in Foster City. All of the Irvington Village project would be governed by a master homeowners association and would work with the Irvington Family Apartments for the maintenance of roadways, and such. Along Grimmer Boulevard, the two projects would look like one by using the same plant materials and hardscape.

Randy Montbriand, landscape architect for Irvington Village, stated that the initial concept for the project was to develop semi-private courtyards with defensible properties, which was a space that the individual homeowner would take responsibility for. The village core would tie the two projects together. It would be open space that included both projects and would provide active and passive recreation areas. A large variety of plants would make up the landscaping for both projects.

David Senden, architect for the Irvington Village project, stated that the architecture in both projects would be similar and the scale of both projects along Grimmer Boulevard would be the same. He displayed renderings that showed how a pedestrian environment would be created by using elements from the existing neighborhood without copying everything. Vertical and horizontal siding would be used, along with porches, canopies, brackets, and different window treatments, which would give an individual feel to each unit.

John Kosi, architect for the Irvington Family Apartments, stated that the goal was to create an entire community with a pedestrian presence and to enhance the Irvington District. He displayed renderings of the surrounding neighborhood. The Village core would tie both projects together with pedestrian linkages between the projects. The buildings would be broken down into three buildings, which reduced the massing and kept them in scale to the Irvington Village project, as well as to the projects across the street and to the north. The building would be built on a podium that would be sunk five feet into the ground to diminish

the scale. Courtyards would be created on top of the podium, which would be very family oriented and would provide a safe environment for children to play. The entry to the garage under the podiums would be at the back of the project. Horizontal and vertical layering would be used to diminish the scale and to work well with the Irvington Village project. Eyebrows, stoops, and trellises would also enhance the buildings. An entry tower would define the entrance on the Davis Street extension. The color scheme would be mission inspired.

Mr. Early added that BRIDGE Housing had been recognized in 2003 by the state and various organizations as a leader in the creation and implementation of environmentally best building practices. This project would “be the next generation of green building for BRIDGE Housing.”

Vice-Chairperson Wieckowski asked what was meant by “the garage was pulled back.”

Mr. Early, BRIDGE Housing, replied that the garage was partially subterranean, five feet below grade, which lowered the overall height of the project. The entrance was “pulled internal to the site” to minimize the visual impact of the automobile and the parking garage gates. The garage protruded above grade, which allowed for visual access and natural ventilation.

Commissioner King asked if there were three different types of units in the projects and what the square footage was for the units. What would these units sell for? He asked for clarification concerning the statement regarding “somebody owns a plot of land, but doesn’t own a plot of land, but they have to be responsible for it.” Would the association dues be dependent upon the unit?

Mr. Early, BRIDGE Housing, agreed that there would be three different types of units. The apartment project would have one-to three bedroom units with a square footage of 600 to 999 square feet.

Mr. Smith, Regis Homes, stated that the for-sale condominiums would range from 1330 to approximately 1600 square feet. The townhomes would range from approximately 1450 to 1550 square feet. The entry level condominiums would sell for mid-400,000 dollars; the townhomes would sell for mid-500,000 dollars. The townhomes would be zero lot line and the homeowners association would own each semiprivate courtyard. However, it would be treated as private property by that homeowner. The condominiums and townhomes would be under one master association with association fees based on the square footage of the individual unit. A smaller unit would pay less than a larger one.

Mr. Early added that the apartment property would be separate from the homeowner association owned property, but a maintenance agreement would be created with the homeowner association to share the overall maintenance of the property and the roadways.

Commissioner King stated that he was trying to calculate how much someone would have to earn to buy or rent one of these properties when taking Home Owners Association (HOA) fees into consideration.

Mr. Smith replied that the 115 units under one master association would tend to lower the HOA fees.

Commissioner Sharma asked what the apartments would rent for. He asked how much the larger for-sale units would sell for.

Mr. Early stated that the 100 apartment units would range from approximately 450 dollars per month to 1,000 dollars per month, which would depend on the size of the units and the regulated income level.

Mr. Smith replied that his larger, for-sale units would reach to the high 500,000 dollars.

Commissioner Harrison observed that during the tour a similar existing garage for the apartment units was very dark at 11 o'clock in the morning. He wanted to make sure that the garage at this project was well lighted to make it safe and secure. He asked if the two companies had worked together before.

Mr. Early stated that the garage he was speaking of was subterranean and there was no natural light. This garage would be secure and it would be very well lighted to ensure safety. Yes, the two companies had worked together on the Foster City projects that were seen on the tour.

Chairperson Weaver opened the public hearing.

Ed Pentaleri, Irvington resident, stated that he had participated in many of the community meetings and had taken the bus tour. He expressed enthusiasm about the project and hoped that it would be a nucleus for other improvements within the Irvington District community. The Davis Street neighbors had repeatedly expressed concern over traffic and traffic flow. He understood that the developers were not directly responsible, but asked that the Commission take into consideration the traffic flow into the neighborhood when it made its recommendation.

Commissioner Natarajan asked if he had heard any ideas during the meetings about how to prevent traffic from flowing through Davis Street.

Mr. Pentaleri did not recall that specific measures were recommended.

Dennis Dubro, representing Congregations Organizing for Renewal [COR] (13 religious congregations in southern Alameda County), encouraged the Commission to move these projects forward, as they looked very good. The community concerns had been addressed in many ways regarding affordable housing. The affordable project at 159 Washington was a showpiece and showed that affordable housing could be done well.

Mr. Early closed by agreeing that the traffic conditions on Davis Street were of concern to residents. They had spoken with staff about those concerns. The traffic problem was a pre-existing condition and was out of the scope of the project. He thought that staff could provide additional input.

Mr. Smith closed by stating that his company was excited to be back in Fremont and was looking forward to moving on with these projects.

Chairperson Weaver closed the public hearing.

Vice-Chairperson Wieckowski understood that the fire lane for the nearby existing apartments was to be abandoned. He asked if it could be kept open as a pedestrian access to Bay Street.

Senior Planner Livermore replied that there was no direct access from the project site to Bay Street.

Planning Director Schwob asked if he was speaking about the access that dead-ended into the wall at the Bridgeport apartment complex. There was no public easement on that property and it was unlikely that the Bridgeport apartments would agree to people walking through their development.

Commissioner Natarajan asked what staff had in mind with Condition B-5 for the Irvington Village project.

Senior Planner Livermore replied that if there was any concern about any of the final details, i.e., fencing or railings, staff would have the ability to make sure good quality materials were used. This was a standard condition.

Chairperson Weaver asked for a quick overview of the traffic issue on Davis Street.

Senior Civil Engineer Chu agreed that that the traffic on Davis Street was an existing problem. Different mitigations had been tried. Traffic-calming devices had been considered, but that program was defunded in 2001.

Vice-Chairperson Wieckowski believed that when the Mission ROP was created at the former Fremont Elementary School site, students had increased the traffic on Davis Street. He understood that the ROP site was to be abandoned soon, which he believed would cure the Davis Street traffic problems.

Commissioner Harrison asked if this site plan and architectural review would come back to the Commission after being heard by Council. He asked if a condition should be added concerning the hours of construction, since it was an intense project that could negatively affect the neighbors.

Planning Director Schwob stated that only the tentative map application would come back to the Commission. He suggested that a condition regarding construction hours be added.

Commissioner Harrison was happy to see these great projects coming to the city. He believed that 99 percent of people who might oppose high density, affordable housing would change their minds if they had the opportunity to take the tour that the Commission, staff and the Irvington community members had taken. He thanked the applicants for making the Commission's job easier by working with the Community early in the project. He asked that Mr. Pentaleri's comments about the Davis Street traffic be included in the report to City Council and that Davis Street be placed on the Capital Improvement Project list as soon as possible.

Commissioner Natarajan echoed Commissioner Harrison's comments. This was a wonderful project. Reaching out to the community and providing site visits was the right thing to do. She stressed that the landscaping along Grimmer Boulevard should be consistent across the frontage of both projects. At the Davis Street extension, the sidewalk detail should also be uniform. She suggested something different at the top level of the Village buildings that would decrease the busy look of the exteriors. The traditional fountain shown in the landscaping drawing should be a little more contemporary. She asked that the details of the wall for the garage be light and not too heavy, so that they would break up the massing. She expected that this project would be used as a model for better projects coming to the city.

Commissioner Sharma stated that this was a great project and he would support it. Including the neighborhood and the community in the project's process made a decision much easier for the Commissioners.

Commissioner Lydon stated that he had also benefited from the bus tour. He hoped that this project would be one of the projects that would be included in future tours from other communities by these developers.

Vice-Chairperson Wieckowski agreed that the tour was delightful. He applauded both applicants for their projects, especially BRIDGE Housing for using the best practices for green buildings. He hoped that recycling chutes would be installed in the apartment project.

He was confident that this project would be a success. He asked that the city be a little more accommodating towards BRIDGE Housing about paying the full impact fee. He wondered if requiring that large trees be 15 feet away would make the project any better than if the trees were allowed to be 12 or 13 feet away, as required in Condition C-1.

Chairperson Weaver also offered congratulations and thanked the applicants for their willingness to work with the community and for the very understandable presentation given during the study session. The model helped to visualize the project and she thanked them for it. She would support the project.

IT WAS MOVED (KING/SHARMA) AND CARRIED BY THE FOLLOWING VOTE (7-0-0-0) THAT THE PLANNING COMMISSION HOLD PUBLIC HEARING;

AND

RECOMMEND THAT THE CITY COUNCIL FIND THE PREVIOUS INITIAL STUDY CONDUCTED FOR THE GENERAL PLAN AMENDMENT AND REZONING HAS EVALUATED THE POTENTIAL IMPACTS THAT COULD CAUSE AN ADVERSE EFFECT, EITHER INDIVIDUALLY OR CUMULATIVELY, ON WILDLIFE RESOURCES AND FIND THAT THERE IS NO EVIDENCE THE PROJECT WOULD HAVE ANY POTENTIAL FOR ADVERSE EFFECT ON WILDLIFE RESOURCES;

AND

RECOMMEND THAT THE CITY COUNCIL FIND THAT THE PREVIOUS NEGATIVE DECLARATION ADOPTED FOR THE GENERAL PLAN AMENDMENT AND REZONING CONSIDERED ALL IMPACTS RELATED TO THE PROPOSED PROJECT, AND THAT NO NEW IMPACTS WILL RESULT FROM THIS DEVELOPMENT;

AND

FIND THAT THE PROJECT IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S FUNDAMENTAL GOALS, HOUSING AND LAND USE CHAPTERS AS ENUMERATED WITHIN THE STAFF REPORT;

AND

FIND PLN2004-00308, AS PER EXHIBIT "A" (SITE PLAN, PRELIMINARY GRADING PLAN, ELEVATIONS, FLOOR PLANS AND LANDSCAPE PLAN) EITHER FULFILLS THE APPLICABLE REQUIREMENTS SET FORTH IN THE FREMONT MUNICIPAL CODE, OR THE PROJECT AS PROPOSED JUSTIFIES THE DEVIATIONS SET FORTH IN THE STAFF REPORT;

AND

RECOMMEND TO THE CITY COUNCIL THE REZONING AS SHOWN ON EXHIBIT "B" (ZONING EXHIBIT) AND EXHIBIT "A" SHEETS T-1 THROUGH JT-2 (SITE PLAN, PRELIMINARY GRADING PLAN, ELEVATIONS, FLOOR PLANS, LANDSCAPE PLAN AND JOINT TRENCH PLANS) AND EXHIBIT "C" (MATERIAL COLOR AND SAMPLE BOARD) FOR PLN2004-00308 BE APPROVED, BASED UPON THE FINDINGS AND SUBJECT TO THE CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT "D";

AND

ADD A CONDITION REGARDING CONSTRUCTION HOURS;

AND

RECOMMEND THE CITY COUNCIL CONSIDER ADDING DAVIS STREET TRAFFIC CALMING MEASURES TO THE CAPITAL IMPROVEMENT PROGRAM.

The motion carried by the following vote:

AYES:	7 – Harrison, King, Lydon, Natarajan, Sharma, Weaver, Wieckowski
NOES:	0
ABSTAIN:	0
ABSENT:	0
RECUSE:	0

- Item 3. **IRVINGTON FAMILY APARTMENTS – 40800 Grimmer Boulevard – (PLN2004-00307)** – to consider a Planned District Major Amendment to reallocate density at 49 du/ac for a 2 acre site, a Preliminary Grading Plan, and Site Plan and Architectural Approval for 100 unit rental apartment complex with small retail space in the Irvington Planning Area. A Mitigated Negative Declaration has been previously prepared and adopted for the General Plan Amendment and Rezoning of the site, which includes the anticipated development of this site. (Continued from October 14, 2004)

ADDENDUM TO CONDITIONS

E-13 All guest parking spaces shall be signed for use as visitors only and shall not be used as resident parking.

IT WAS MOVED (KING/SHARMA) AND CARRIED BY THE FOLLOWING VOTE (7-0-0-0) THAT THE PLANNING COMMISSION HOLD PUBLIC HEARING;

AND

RECOMMEND THAT THE CITY COUNCIL FIND THE PREVIOUS INITIAL STUDY CONDUCTED FOR THE GENERAL PLAN AMENDMENT AND REZONING HAS EVALUATED THE POTENTIAL IMPACTS THAT COULD CAUSE AN ADVERSE EFFECT, EITHER INDIVIDUALLY OR CUMULATIVELY, ON WILDLIFE RESOURCES AND FIND THAT THERE IS NO EVIDENCE THE PROJECT WOULD HAVE ANY POTENTIAL FOR ADVERSE EFFECT ON WILDLIFE RESOURCES;

AND

RECOMMEND THAT THE CITY COUNCIL FIND THAT THE PREVIOUS NEGATIVE DECLARATION ADOPTED FOR THE GENERAL PLAN AMENDMENT AND REZONING CONSIDERED ALL IMPACTS RELATED TO THE PROPOSED PROJECT, AND THAT NO NEW IMPACTS WILL RESULT FROM THIS DEVELOPMENT;

AND

FIND THAT THE PROJECT IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S FUNDAMENTAL GOALS AND LAND USE CHAPTERS AS ENUMERATED WITHIN THE STAFF REPORT;

AND

FIND PLN2004-00307, AS PER EXHIBIT "A" (SITE PLAN, PRELIMINARY GRADING PLAN, ELEVATIONS, FLOOR PLANS, AND LANDSCAPE PLAN), FULFILLS THE APPLICABLE REQUIREMENTS SET FORTH IN THE FREMONT MUNICIPAL CODE;

AND

RECOMMEND TO THE CITY COUNCIL THE REZONING AS SHOWN ON EXHIBIT "A" (ZONING EXHIBIT) AND EXHIBIT "B" SHEETS T-1 THROUGH L-5 (SITE PLAN, PRELIMINARY GRADING PLAN, ELEVATIONS, FLOOR PLANS, LANDSCAPE PLAN) AND EXHIBIT "C" (MATERIAL COLOR AND SAMPLE BOARD) FOR PLN2004-00307 BE APPROVED, BASED UPON THE FINDINGS AND SUBJECT TO THE CONDITIONS OF APPROVAL SET FORTH IN EXHIBITS "D" AND "E";

AND

ADD A CONDITION REGARDING CONSTRUCTION HOURS;

AND

RECOMMEND THE CITY COUNCIL CONSIDER ADDING DAVIS STREET TRAFFIC CALMING MEASURES TO THE CAPITAL IMPROVEMENT PROGRAM;

AND

ADD A CONDITION REGARDING GARAGE LIGHTING TO ENSURE IT IS WELL LIT.

Garage lighting, construction hours and traffic calming on Davis Street considerations were to be added to the conditions.

The motion carried by the following vote:

AYES: 7 – Harrison, King, Lydon, Natarajan, Sharma, Weaver, Wieckowski
NOES: 0
ABSTAIN: 0
ABSENT: 0
RECUSE: 0

Chairperson Weaver called for a recess at 8:15 p.m.

Chairperson Weaver called the meeting back to order at 8:27 p.m.

- Item 7. **WASHINGTON BOULEVARD – 982-990 Washington Boulevard - (PLN2004-00196)** - to consider a Preliminary and Precise Planned District for 22 detached single-family dwellings and four duet units on 3.96 acres located in the Mission San Jose Planning Area. A Mitigated Negative Declaration was approved previously for this project.

MODIFICATION TO STAFF REPORT

City Landscape Architect Review of Proposed Tree Removal and Preservation: The proposed project is located on a site that has 73 mature trees as shown on the "Existing Tree Plan" C-2. All trees are designated for removal except for Trees # 1 Olive, #2 Olive, #3 Olive, #6 Olive and #10 Coast Live Oak. The 68 Trees designated for removal include 11 dead Monterrey Pines. The remaining 57 trees are located in conflict with the proposed development and their preservation would require unreasonable modifications to the design of the project. Mitigation for the removal of these trees shall be the upsizing of all street trees to 48" Box size provision of a total of (26) 24" Box trees in front yard landscapes throughout the site in addition to 24" Box Street trees. Given that the project will preserve 5 trees in addition to mitigation, this is consistent with the provisions of the Tree Preservation Ordinance.

MODIFICATION TO CONDITIONS EXHIBIT "D"

Landscape Architecture

- G-3 The applicant shall upsize all street trees to 48" Box Size ~~a minimum of 26 front yard trees to 24" Box size~~ as mitigation for the removal of 57 trees.
- G-8 The applicant shall provide Street trees of 24" 48" Box size and species indicated on the "Landscape Concept Plan" in the City Right of Way on all public streets planted in conformance with City Standard Tree Detail SD-34.

All Fire conditions are replaced by the following conditions:

Fire Department Conditions

The applicant shall meet all requirements in the 2001 California fire code and all local amendments to that code in Ordinance #2485.

F-1 The applicant shall install an automatic fire sprinkler system in the Dwellings for fire protection purposes. An audible device shall be located on every floor and audible in all sleeping rooms.

F-2 Plan, specifications, equipment lists and calculations for the required sprinkler system must be submitted to the Fremont Fire Department Authority and Building Department for review and approval prior to installation. A separate plan review fee is required. Standard Required: N.F.P.A. 13D with local amendments.

- F-3 The applicant shall provide for approval a site plan/ Civil Utility Plan with the location of public, on-site fire hydrants and Fire Department Connections location(s). The applicant shall provide public hydrants number yet to be determined.
- F-4 The applicant shall comply with Fremont code requirements for installation of fire retardant roof coverings.
- F-5 The applicant shall provide all weather surface (paving) for emergency vehicle access within 150 feet of all construction or combustible storage. This access shall be provided before any construction or combustible storage will be allowed. CFC 901.3, C.F.C 903.2. and C.F.C 903.3.
- F-6 The applicant shall provide required fire flow (hydrants) on site prior to construction or storage of combustible materials. C.F.C 903.2 & Appendix IIIA. Fire hydrant jumper lines must be at least 6 inches in diameter. This must be completed and inspected before any construction or material storage will be allowed.
- F-7 Fire apparatus roadways maximum 18% grade. Any roadway 15% or > grooved concrete, less than 15% asphalt.
- F-8 Address must always be visible from Public Street. Flag lots must have monument sign and green bott dot.
- F-9 A driveway access serving one dwelling/structure shall have a minimum 20 foot unobstructed width driveway/access road. The access road must provide all portions of the first floor with the required 150 feet access to the rear of the building. A driveway/ access road serving two or more dwelling/structures shall have a minimum 20 foot unobstructed width. A driveway access serving three or more dwelling/structures shall have a minimum 20 foot unobstructed linear width. These driveways/access roads shall be designated as Fire Lanes. Driveway /access roads and shall meet Fire Department standards for distance, weight loads, turn radius, grades, and vertical clearance. Approved turnarounds shall be required for distances over 150 feet from public streets. Other mitigation's shall/may be required in addition to those listed. (CFC Sec. 902.2 as amended) Required if street width is less than 32 feet curb to curb for parking on a single side of the street, 40 feet of parking both sides.
- F-10 Fire hydrant spacing requirement is 500 feet. Spacing. The distance is measured as the fire engine travels on all- weather surfaces.
- F-11 Planned Districts shall have 2 means of entrance/egress Appendix III D of C.F.C. The applicant my request a variance for two access points . The number of dwellings proposed in one over the limit 25. The applicant shall put their request in writing to the Fire Marshal. The California Fire Code section 902.1 allows the use of additional fire protection for the dwelling, if approved by the Fire Chief or his designee, to mitigate access issues. See exception #1.

An example of additional A.F.E.S. Automatic fire suppression systems Residential or quick response standard sprinkler heads in dwelling or guest portions of the building. The sprinkler system shall provide protection to at least all of the following areas garages, carports, bathrooms, concealed spaces, water heaters, closets, laundry rooms attic spaces, under walks, or overhangs, balconies or deck greater than four feet in depth, and floor landings if wholly or partial enclosed, or other areas as required.

HAZARDOUS MATERIALS

F-12 There shall be a closure on the existing site prior to any permits being issued.

F-13 The applicant shall comply with the provisions of the permits required from any state or regional agencies, including, but not limited to, the Bay Area Air Quality Management District (BAAQMD), Regional Water Quality Control Board (RWQCB), Union Sanitary District's (USD) POTW and the Alameda County Department of Environmental Health.

F-14 The applicant must immediately notify the Fremont Fire Department, Hazardous Materials Unit of any underground pipes, tanks or structures; any suspected or actual contaminated soils; or other environmental anomalies encountered during site development activities. Any confirmed environmental liabilities will need to be remedied prior to proceeding with site development.

F-15 The applicant must submit a Phase 1 and/or Phase 2 environmental site assessment(s). Additional requirements, remediation and/or clearances from Alameda County Health Department, Alameda County Water District, Regional Water Control Board, Department of Toxic Substances Control, or other agencies may be established subsequent to staff's review.

Associate Planner Meerjans stated that all of the fire conditions had been replaced, because the previous conditions included some elements that may have applied to multifamily projects. An additional condition concerned automatic fire suppression systems that were required, because over 25 of the units had only one point of access.

Mark Robson, Santa Clara Development Company, stated that their goal was to create a unique neighborhood, of which streetscape was more than just a location for roads and utilities, they were places where people socialized and communicated. The company had volunteered to plant 48-inch box trees along the parkway and hedges would be planted behind the walkway. Throughout the development, large, estate-style trees would be planted. The homes had human scale elements, such as single-story elements at the fronts of the homes along with single-story homes scattered throughout the development. Architectural elements were borrowed from Spanish bungalow architecture. An additional second garage for the below market rate (BMR) units was suggested in the staff report. However, he preferred the design stay as shown, because these townhomes fell under the small lot guidelines and enough parking had been provided. With the current design, they would be indistinguishable from the market rate homes.

Commissioner Harrison disclosed that he had toured the Boxwood and Driscoll communities with Mr. Robson.

Commissioner Natarajan stated that she had taken the same tour.

Vice-Chairperson Wieckowski asked if the applicant objected to the tandem garage suggestion because of the additional cost or the look from the street.

Mr. Robson replied that it was the look. Also, the living space behind the garage would be changed to a long, narrow space. These BMR units would all be three bedrooms, which was a nice feature.

Commissioner Sharma felt that covered parking was necessary, especially in the winter weather, as there were safety and convenience issues.

Mr. Robson questioned that there would be a significant safety issue in the Mission District. He noted that many people parked in their driveways. In his opinion, the overall design was better the way it was.

Commissioner Harrison asked that the applicant clarify the inclusionary zoning goal.

Mr. Robson replied that one of the goals was that when one drove through a neighborhood, one could not identify the BMR units, which was more difficult in a single-family home development than in an attached development.

Chairperson Weaver opened the public hearing.

Patrick Hayes stated that his property abutted Lot 26 and that the sooner this project was completed, the happier the rest of the neighbors would be. Vandalism in broad daylight had occurred in the existing building, and he was concerned that it could extend to the neighborhood or that the vandals may decide to retaliate against the people whom they have assumed called the police. Olive tree No. 6 and the Live Oak have caused problems for him, especially the Olive tree, which needed substantial pruning. Two drainage inverts above his property become clogged by the droppings from the two trees, which caused flooding of his property. That system and an existing sewage system were supposed to be abandoned and he worried that his problem would continue. The new drainage system could cause water to drain into his or his neighbor's properties if they become clogged from the tree droppings. He stated that he had sent correspondence to both the City and the applicant regarding these issues. He asked how the new retaining wall and fences would be placed with regard to his property.

Commissioner Lydon asked if the building the speaker described was the existing IEM building and had the vandalism been addressed. Had he called the police?

Mr. Hayes stated that the applicant had fenced the property and a security service had checked it on a periodic basis, but the security service had stopped and the fence was not secure, which allowed young people access to the building. He stated that he and his neighbors had called the police several times, along with contacting the developer. The developer had inspected the property and had assured him that the situation would improve.

Chairperson Weaver assured the speaker than young vandals were unlikely to be watching this meeting of the Planning Commission. She called Anntionette Lyons forward to speak, but she seemed to have left the meeting.

Mr. Robson understood that the security service was supposed to be making several visits a day to the property. After approval of the rezoning, the IEM building would be pulled down. Olive Tree No. 6 was not a key tree and he would support the removal of that tree, if staff agreed. He guessed that the future resident would also have issues with the "mess that the olive trees create." He assured the previous speaker that the drainage would work, as the City engineers would make certain that it was correct. The existing sewer system would be pulled out, along with the existing storm drainage system. The fence would be built on top of the retaining wall and would be limited by conditions to eight feet high. He had met with Anntionette Lyons before the meeting started and he had agreed to replace a Carob tree on her property with additional trees along her property line.

Chairperson Weaver asked about the Live Oak mentioned by the speaker.

Mr. Robson replied that the Live Oak was a valuable tree and would stay. The key Olive trees had been trimmed once, as had the Live Oak.

Chairperson Weaver closed the public hearing.

Commissioner Natarajan asked if Condition C-4 applied to windows that were not recessed and not all the windows and, if so, should the condition be revised.

Associate Planner Meerjans stated that she was correct and agreed to revise the condition.

Commissioner Natarajan's comments were as follows:

- Porches were important and should stay
- Elements facing the street should be refined a little to reduce scale and height on Plan 3
- Research other options to white vinyl windows

Commissioner Harrison applauded the applicant for satisfying one of the speakers who then did not feel it necessary to stay to speak to the Commission. He agreed with the applicant about the garage issue. He admitted to parking in his own driveway. A dilapidated building would be replaced with a good project, which would improve the whole community. He believed that Mr. Hayes had spoken for the whole neighborhood, in that they were all looking forward to this project.

Vice-Chairperson Wieckowski asked why Condition B-1, "garages should not be used for storage," was necessary.

Planning Director Schwob believed that it was particularly important for the BMR units, since they had just one covered garage. The zoning ordinance required that garages within the City be maintained to allow vehicle accommodation. He agreed it was difficult to enforce.

Commissioner Sharma asked for staff comments concerning the single garage.

Planning Director Schwob believed the single garage would work with the BMR units, because they would have on street parking available across the street. On average, most people were able to park only one vehicle in a two-car garage.

Commissioner Natarajan suggested that the motion include modified Condition C-4.

Commissioner Harrison suggested that Mr. Robson's responses to speaker Hayes be included.

IT WAS MOVED (KING/SHARMA) AND CARRIED BY THE FOLLOWING VOTE (7-0-0-0)
THAT THE PLANNING COMMISSION HOLD PUBLIC HEARING;

AND

**FIND THAT THE PROPERTY ACQUISITIONS AND DISPOSITIONS WHICH ARE THE
SUBJECT OF PLN2005-00097 ARE EXEMPT FROM FURTHER CEQA REVIEW, AS
PROVIDED IN THIS STAFF REPORT;**

AND

**FIND THAT PLN2005-00097 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS
CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS
INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL
PLAN'S FUNDAMENTAL GOALS AND TRANSPORTATION CHAPTERS, AS SET FORTH
IN EXHIBIT "A", HEREBY ADOPTED BY REFERENCE.**

The motion carried by the following vote:

AYES:	7 – Harrison, King, Lydon, Natarajan, Sharma, Weaver, Wieckowski
NOES:	0
ABSTAIN:	0
ABSENT:	0
RECUSE:	0

- Item 6. IRVINGTON CONCEPT PLAN - Irvington District - (PLN2001-00315)** - to consider a recommendation to the City Council to adopt the Irvington Concept Plan, a long range plan for revitalization and improvement of an area generally bounded by Grimmer Boulevard, Paseo Padre Parkway, and the former Western Pacific railroad/BART alignment. The boundary then departs the Western Pacific/BART alignment somewhat easterly of Osgood Road and heads southerly to Blacow Road. From there the boundary goes northerly along the Union Pacific Railroad alignment to Carol Avenue, then north westerly past Fremont Boulevard to Irvington Avenue, connecting back up with Grimmer Boulevard. A Negative Declaration has been prepared for this project.

MODIFICATION TO STAFF REPORT

*On page 5, under the heading, **HARB Comments**, the date should read: June of 2004 ~~2003~~*

*On page 5, under the heading, **Enclosures**:*

City Council minutes from June ~~March~~ 2003

Planning Commission Minutes from February 2003 ~~October 2002~~

Planning Director Schwob introduced David Early, consultant with Design, Community & Environment and Eva Terrazas, Special Assistant with the Office of Housing and Redevelopment. The plan had been updated to reflect many of the programs and concepts in the earlier draft that have been implemented, a new mixed-use ordinance had been adopted, and a number of properties have been redesignated and rezoned. An ad hoc citizen's committee had been working with the city, of which Ed Pentalari (in the audience) had made suggestions that were good additions to the plan.

David Early stated that the plan focused mainly on downtown Irvington up to Grimmer Boulevard, the area around five corners and along Fremont and Washington Boulevards as they leave the five corners area. Fremont and Washington Boulevards were envisioned to be the major streets for commercial use with new mixed-use development along the other streets that went into the five corners, particularly Bay Street and Union Street where it turned into Main Street going towards a future BART station. It included the Irvington Family Apartments and the Irvington Village projects heard earlier this evening. Design guidelines had been developed for Bay Street (seen previously by the Commission), for the remaining pedestrian streets, particularly Union Street/Main Street and limited design guidelines for the major corridors. Implementation had been divided into short, medium and long-term with many of the short-term implementations already underway. Changes included: emphasis changed along Main Street to focus on residential with mixed-use retail components; and design guidelines changed to reflect Commission, property owner and community member concerns.

Commissioner Natarajan thanked the consultant for strengthening the design guidelines, which now read much better. She agreed that, currently, there was no market for retail on Main Street. However, she asked if residential units with stoops, etc., and random retail were planned or was the plan to create live-work units that could become retail in the future. The units on the ground floor needed to be addressed, because if they were to be only residential, a limited setback would be available.

Mr. Early agreed that the last sentence at the bottom of page 35 should be changed to state that they should be built to the sidewalk where a ground floor retail or live-work use was expected or with small setbacks to allow for stoops and porches on a residential ground floor.

Commissioner Natarajan asked that the concept of live/work units that could become retail units in the future be included with the option of creating residential, if the City chose. The rendering of Main Street should note that something other than commercial could be had. The page numbers concerning pedestrian and major streets needed to be changed to reflect the design guidelines, which were pages 52 to 74 and pages 75 to 85. She asked that an additional rendition be created that showed stoops as an example of how residential units on Main Street could be designed.

Commissioner Harrison asked how this plan fit into the design guidelines. Were there “shoulds” or “shalls”? Would the process for a potential developer be streamlined if they followed this plan?

Planning Director Schwob expected that streamlining would happen. The “shoulds” and “shalls” were defined at the beginning of the plan. “Shalls” had to be met, unless it could be shown that another way was equally acceptable; “shoulds” were guidelines.

Chairperson Weaver opened the public hearing.

Someone from the public asked how to obtain a transcript.

Planning Director Schwob replied that it could be printed from the city website or bought from the Department of Development and Environmental Services for \$4.50 per copy.

Vice-Chairperson Wieckowski asked for clarification of the improvements to occur at the Hetch Hetchy water way. He asked why only certain areas of Laguna Creek had been identified for restoration, when the best restoration should involve the whole creek.

Mr. Early replied that some opportunities for a public path along the Hetch Hetchy right-of-way had been identified, at the request of the Commission and members of the community. When capital funds eventually become available, it was planned to create a pathway from Paseo Padre Parkway, along the creek that ran along Grimmer to end at the Fremont Boulevard right-of-way. With regard to Laguna Creek, the locations that were most feasible and possible had been identified. Some cases would remain on private property and would not be accessible to the public, but those portions of the creek would be visually accessible. He agreed that it would be best to restore the entire corridor of the creek, if possible.

Commissioner Harrison recalled, during the study session, conversation about contacting the Post Office. He also asked if the Irvington Business Association (IBA) had comments concerning this version of the plan.

Eva Terrazas clarified that he was interested in the Bay Street parking that concerned the Post Office. She and Senior Deputy City Attorney Seto had met with the real estate manager for the Post Office and a final agreement had been reached concerning the parking.

Mr. Early said that he had met extensively with both Mark and Rick Hirsch, as well as other members of the IBA, and had reviewed the document word for word with them.

Ms. Terrazas added that Mark Hirsch was not present at yesterday's IBA meeting, but the plan engendered no questions from other IBA members.

Chairperson Weaver closed the public hearing.

IT WAS MOVED (NATARAJAN/WIECKOWSKI) AND CARRIED BY THE FOLLOWING VOTE (7-0-0-0) THAT THE PLANNING COMMISSION **HOLD PUBLIC HEARING**;

AND
RECOMMEND THE CITY COUNCIL FIND THE INITIAL STUDY HAS EVALUATED THE POTENTIAL FOR THIS PROJECT TO CAUSE AN ADVERSE EFFECT -- EITHER INDIVIDUALLY OR CUMULATIVELY -- ON WILDLIFE RESOURCES. THERE IS NO EVIDENCE THE PROPOSED PROJECT WOULD HAVE ANY POTENTIAL FOR ADVERSE EFFECT ON WILDLIFE RESOURCES;

AND
RECOMMEND THE CITY COUNCIL APPROVE DRAFT NEGATIVE DECLARATION WITH ACCOMPANYING CERTIFICATE OF FEE EXEMPTION AND FIND IT REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT;

AND
RECOMMEND TO COUNCIL APPROVAL OF THE IRVINGTON CONCEPT PLAN (EXHIBIT "A");

AND
RECOMMEND PAGE 35 OF THE PLAN UNDER SECTION C. MAIN STREET, SUBSECTION – I. OVERALL CONCEPT. LAST SENTENCE: AMEND THE LANGUAGE TO INCLUDE THE OPTION OF SETTING BACK RESIDENTIAL BUILDINGS FROM THE SIDEWALK TO ALLOW FOR STOOPS AND STAIR ACCESS TO RESIDENTIAL UNITS. ON PAGE 38, FIGURE 3-15 (A VIEW *ON MAIN STREET) ADD A NOTE TO THE CAPTION THAT INDICATES THAT THE ILLUSTRATION DEPICTS DEVELOPMENT WITH A COMMERCIAL EMPHASIS BUT IF RESIDENTIAL DEVELOPMENT IS PROPOSED, IT MAY BE SET BACK FROM THE SIDEWALKS ALONG MAIN STREET TO ACCOMMODATE STOOPS AND STAIRS THAT PROVIDE ACCESS TO THOSE UNITS.

The motion carried by the following vote:

AYES:	7 – Harrison, King, Lydon, Natarajan, Sharma, Weaver, Wieckowski
NOES:	0
ABSTAIN:	0
ABSENT:	0
RECUSE:	0

MISCELLANEOUS ITEMS

Information from Commission and Staff:

- Information from staff: Staff will report on matters of interest.

Item 8. DISCUSSION OF 2005 PC TENTATIVE CALENDAR

Planning Director Schwob introduced the tentative 2005 calendar by noting that the 10th of February was the Islamic New Year and that date could be moved to a Monday, February 7th. October 13th date would be moved to Monday, as well, because of Yom Kippur. One meeting would be held in August, which could be on either August 11th or the 15th.

A discussion ensued and the following changes were decided, as follows:

- Meeting on **Monday, February 7, 2005** changed from Thursday February 10th
- Only one meeting in August on **August 11th** - Thursday, August 25, 2005 would be the August recess
- Meeting on **Monday, October 10, 2005** changed from Thursday October 13th
- Meeting on **Thursday, November 17, 2005** changed from Thursday, November 10th (only meeting in November)

It was noted that the December 2004 meeting would be held on December 2nd, because the Mayor's farewell party would be held on the 9th, the regular meeting date for the Commission.

Planning Director Schwob stated that he suspected that the League of Cities Conference for Planning Commissioners would be held either the week of March 14th or March 21st. If it occurred during the week of March 21st, that Commission meeting would be rescheduled or cancelled. He promised to get the dates to the Commissioners when they were decided.

- Information from Commission: Commission members may report on matters of interest.

Commissioner King announced that he would not be attending the December 2nd meeting, because he had previously planned to be out of town before the change was made.

Meeting adjourned at 9:30 p.m.

SUBMITTED BY:

APPROVED BY:

Alice Malotte
Recording Clerk

Jeff Schwob, Secretary
Planning Commission